

MILPERSMAN 1611-010

OFFICER PERFORMANCE

Responsible Office	NAVPERSCOM (PERS-83)	Phone:	DSN COM FAX	882-4424 (901) 874-4424 882-2625
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NAVPERSCOM CUSTOMER SERVICE CENTER	Phone: Toll Free	1-866-U ASK NPC
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References	(a) BUPERSINST 1610.10B (b) U.S. Navy Regulations, 1990 (c) Uniform Code of Military Justice (UCMJ) (d) JAGINST 5800.7D, Manual of the Judge Advocate General (JAGMAN) (e) NAVSUP P-1, Naval Supply System Command Manual (f) NAVMED P-117, Manual of the Medical Department (g) Defense Joint Military Pay System (DJMS) Procedures Training Guide (PTG)
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1. **General Provisions**. General provisions applicable to all officer cases involving performance or conduct:

a. If it is expected that disciplinary action, military or civilian, may be taken against an officer, the officer should not be transferred until such action has been resolved. When a modification of orders is necessary, the below Navy Personnel Command (NAVPERSCOM) offices should be notified of the circumstances, provided with recommendations, and requested to issue orders as may be appropriate:

(1) NAVPERSCOM, Officer Performance and Separations Branch (PERS-834); and

(2) NAVPERSCOM, Career Management Department (PERS-4) (applicable Detailer Division, i.e., PERS-41,42,43,44, etc.)

b. Additionally, if it is expected that disciplinary action, military or civilian, may be taken against an officer selected for or currently in the Naval Nuclear Propulsion Program training pipeline, or an officer with current nuclear Additional Qualification Designators (AQDs), the below listed offices will also be notified of the circumstances:

(1) Office of Chief of Naval Operations, Nuclear Propulsion Program Manager (OPNAV (N133)): and

(2) NAVPERSCOM, Submarine Officer Career Management Division (PERS-42)

c. When misconduct or deficiencies in performance are discovered after the submission of the report of fitness, a supplemental report of fitness per reference (a) should be submitted as appropriate.

d. Except as provided in MILPERSMAN 1070-020, an officer must be given notice of, and an opportunity to respond to all adverse matters which are being forwarded to NAVPERSCOM for inclusion in the officer's official record. The officer's intention not to make a statement shall be indicated in writing or by the expiration of a stated period of time within which the member, after having been so advised, was afforded such an opportunity and failed to submit a statement. Any doubt as to whether a particular matter is adverse will be resolved in favor of the officer by referring it to the officer. Direct the officer's attention to reference (b), article 1122, for guidelines regarding such statements.

e. NAVPERSCOM (PERS-834) should be informed and kept apprised by appropriate means of communication (letter or E-Mail) of incidents involving officer performance or conduct which may be of widespread public interest, or those which will require action by NAVPERSCOM concerning the officer's status. Unless indicated otherwise, these reports are intended for information and appropriate action and not for inclusion in an officer's official record. Point of contact (POC) information should be provided.

f. When practical to do so with clarity and without prejudice to the officer concerned, facts or details requiring reports to be classified should be omitted. Information should not be classified solely because it is embarrassing or derogatory to the member. Unless required for security reasons, reports of nonjudicial punishment (NJP) should be designated "For Official Use Only" and transmitted in double envelopes. The outer envelope should be addressed to NAVPERSCOM (PERS-834) and the inner envelope marked "Officer Performance, For Official Use Only" as appropriate.

2. Misconduct - General Courts-Martial

a. When court-martial charges have been preferred against an officer, the commanding officer (CO) will immediately send a copy of the charges and specifications with explanatory information to NAVPERSCOM (PERS-834). The CO will keep NAVPERSCOM (PERS-834) informed of the status and disposition of the charges. Unless indicated otherwise, these reports are intended for information and appropriate action and not for inclusion in an official record.

b. At the conclusion of trial, the CO will forward a letter, Report of Results of Trial, to NAVPERSCOM (PERS-834). The report is to include as an enclosure a copy of the charges preferred and the disposition of each, as well as the final sentence adjudged.

c. If a discharge or dismissal was not awarded, but a guilty finding was determined on any of the charges, the CO is to provide a recommendation whether the officer be required to show cause for retention. The letter shall be sent via the officer if a recommendation for separation or show cause is included in the report.

d. If a recommendation to separate or to show cause is being made and the reporting officer is not a flag officer, the report of results of trial shall be submitted via the first flag officer in the administrative chain of command. This does not prevent fleet commanders or type commanders from requiring the reports to be forwarded to NAVPERSCOM through operational channels.

3. Misconduct - NJP

a. When the final decision is made to impose NJP on an officer, the command shall notify NAVPERSCOM (PERS-4) and (PERS-834). The initial notification may be made by E-Mail and must provide the following:

- (1) Officer's rank, name, last four of SSN, designator.
- (2) Command point of contact (POC).
- (3) POC phone number/E-Mail address.
- (4) A brief description of charges to be preferred.

b. If a recommendation is likely to be made to detach the officer for cause, include NAVPERSCOM (PERS-4) as an info addressee to alert both detailers and placement officers so that action may be initiated. Back-fill will depend on billet prioritization.

c. When NJP is complete, the authority imposing punishment shall immediately notify NAVPERSCOM (PERS-834) by letter, Report of Nonjudicial Punishment, as soon as the results are final (i.e., when the officer declines to appeal, does not appeal within the required time, or after the appeal has been adjudicated).

d. If NJP is imposed upon an officer in the Naval Nuclear Propulsion Program training pipeline, or an officer with current nuclear AQDs, the Nuclear Propulsion Program Manager at below listed offices will also be notified of the circumstances:

(1) OPNAV (N133).

(2) NAVPERSCOM (PERS-42).

e. If the officer imposing NJP is not a flag officer, the report of NJP shall be submitted via the first flag officer in the administrative chain of command. This does not prevent fleet commanders or type commanders from requiring letter reports of NJP to be forwarded to NAVPERSCOM through operational channels. These required reports are separate and distinct from any annotated NJP which may be contained in investigations of other correspondence.

f. The officer's CO or the authority imposing the punishment will include recommendations in the letter report of NJP on the following issues:

(1) Whether the officer should be detached for cause (DFC).

(2) Whether the officer's misconduct warrants promotion delay or removal (if on a promotion list).

(3) Whether the officer should be required to show cause for retention.

g. The report will be forwarded via the officer concerned for acknowledgment and an opportunity to submit a statement. The command will be the second via addressee and may provide comments, as appropriate, on the officer's statement.

h. The letter report should be forwarded for flag endorsement as discussed above. The first flag endorsement will normally be the third endorsement on the report.

i. The following documents should be forwarded with the report of NJP:

(a)	Offenses for which the punishment was imposed.
(b)	A brief description of the circumstances surrounding the offenses.
(c)	The punishment awarded.
(d)	A copy of the punitive letter, if one given.
(e)	A copy of the investigation and other documents which were considered at NJP, to include rights statements.
(f)	A copy of the NAVPERS 1626/7, Report and Disposition of Offense(s).
(g)	A summary of any statement, if made by the officer at NJP.
(h)	A copy of the appeal and the letter denying an appeal, or the officer's written declination to appeal.
(i)	A dated acknowledgment by the officer that the officer has reviewed the letter report of NJP, was advised of any adverse actions recommended (including DFC) by the command, and that the report will become part of the officer's official record. The officer's acknowledgement/statement is the first endorsement to the report of NJP.
(j)	If an appeal is granted on only a portion of the NJP imposed, the report should be submitted with a copy of the appeal letter which will be included in the official record.

j. Upon NAVPERSCOM receipt of the letter report:

(1) If the Show Cause Authority (SCA), Commander, Navy Personnel Command (COMNAVPERSCOM), determines the officer should show cause for retention, a letter of notification of intent to initiate show cause proceedings will be sent to the officer, via the CO.

(2) If the officer is not required to show cause for retention, NAVPERSCOM (PERS-834) will notify the officer of the

decision via the CO; and NAVPERSCOM (PERS-834) will complete any other actions recommended by the CO and/or flag officer; i.e., DFC proceeding, filing of official documents in the official record, etc.

4. **Misconduct - Civil Offenses**. In civil cases where an officer has been arrested in connection with, or charged with, a civil offense which would constitute an offense if charged under reference (c), the CO shall report initial pertinent information to NAVPERSCOM (PERS-834) by E-Mail. This includes civil charges for drunk, impaired, or reckless driving. Subsequent status reports shall be submitted as appropriate. When the results of the civil action become final, the CO shall submit a Final Civil Action Report to NAVPERSCOM by letter. Since this letter may become a part of the officer's official record, it will include the following:

a.	A brief description of the incident for which the officer was investigated/arrested/tried.
b.	A statement of the charges as filed, if applicable.
c.	A statement of the pleading or findings, if applicable.
d.	A statement of the sentence imposed, if applicable.
e.	A statement listing any diversionary or mitigating actions (i.e., community service, attend Mothers Against Drunk Driving (MADD) meetings, attendance at a specified class, etc.) allowed by the court resulting in a dismissal of the civil charges.
f.	A copy of the civil court document reflecting final disposition of the matter.
g.	The command action being taken or recommended.
h.	A dated acknowledgment by the officer that officer may, within 5 days of the acknowledgment, make a statement concerning the matter

NOTE: An officer's failure to submit a statement within the required time period shall not be cause for a delay in forwarding the letter report to NAVPERSCOM (PERS-834). If the officer submits a statement after the letter report is forwarded, send the statement under separate cover or by letter of transmittal.

5. **Misconduct - Pay Matters**. COs or commanders will report, via their local Personnel Support Activity Detachment (PERSUPPDET) or disbursing officer, to the Defense Finance and Accounting Service, Cleveland Center (DFAS-CL), the results of all cases of unauthorized absences and any punishment from NJP

or court-martial which involves a forfeiture or fine. This report will be in addition to the aforementioned report. The report shall include the inclusive dates of the unauthorized absence and/or the details concerning the forfeiture or fine.

6. **Nonpunitive Actions Administered Orally or by Letter of Caution.** Nonpunitive actions administered orally or by letter of caution not intended for inclusion in the permanent record of the officer are not considered punishment within the purview of reference (c), but are considered nonpunitive measures as described in reference (d), section 0105(b). Notation thereof shall not be made in a fitness report and a copy of such letter shall not be forwarded to NAVPERSCOM for inclusion in the officer's official record. The performance of duty or facts upon which the action was based may properly be mentioned in the next fitness report of the officer concerned.

7. **Matter of Interest Holdings**

a. NAVPERSCOM determines whether records or reports of formal or informal investigations, or of courts of inquiry or other matters, should be held to contain matters of interest in the official records of any present or former member. A matter of interest holding ensures that the entire report of a matter, rather than excerpts which might appear in either reports of fitness, letters of commendation, letters of censure, or other means, is available to future reviewing, examining, or selection authorities. Matters of interest are administrative actions by NAVPERSCOM and should not be recommended by commands in lieu of, or as a substitute for, commendatory or disciplinary action or appropriate markings and comments in a fitness or evaluation report.

b. In cases where additional information regarding an officer's performance becomes available subsequent to their detachment and transfer to another command, or after a fitness or evaluation report for the period in question has already been submitted, a supplementary fitness or evaluation report is normally considered more appropriate than a request for a matter of interest holding. In those cases in which a matter of interest holding has been recommended and the information might be construed to reflect derogative on an officer involved, the officer shall be afforded the opportunity to review the matter and shall submit a signed statement, or declination to make a statement, to NAVPERSCOM. Final determination regarding the

matter of interest holding shall be made by NAVPERSCOM after receipt of the entire case, including the officer's statement.

8. **Adverse Report of Fitness**

a. In the case of an adverse report of fitness, per reference (b), the adverse matter will not be placed in an officer's record without the officer's knowledge.

b. If a fitness report contains an adverse matter, it shall be referred to the member, along with a Letter Referring Adverse Report to Officer for Statement, as the officer may choose to make a reply. If the officer does not desire to make a statement at that time, the officer shall state this officially by annotating the appropriate box on the fitness report. The reporting senior shall forward the report directly to NAVPERSCOM, Performance Evaluations Division (PERS-32) following the guidance in reference (a).

c. If a report referred to an officer for signature is not returned to the reporting senior within a reasonable length of time, the reporting senior shall enter an authorized explanatory phrase per reference (a) in the signature block and forward the report to NAVPERSCOM (PERS-32). If the officer on whom an adverse report is made has been detached, the report shall be forwarded to the officer directly and not via the new reporting senior, except when the officer has been hospitalized. If the address of the officer reported upon is not known, the report shall be forwarded to NAVPERSCOM (PERS-32) for referral.

d. In all cases in which a matter may be construed as possibly reflecting adversely against an officer, Chief of Naval Personnel (CHNAVPER) resolves the issue in favor of the officer concerned and gives the officer the benefit of seeing the material with the opportunity to comment thereon.

9. **Information which Alleges Indebtedness, Nonsupport, or Paternity**

a. When a CO is in receipt of information which alleges a claim of indebtedness, nonsupport of the officer's legal dependents, or paternity of a child born out of wedlock, or if it becomes apparent to a CO that an officer under their command has

(1) flagrantly mishandled personal financial affairs;

(2) repeatedly disregarded a valid court order, current mutual support agreement, or MILPERSMAN 1754-030 and controlling directives requiring them to contribute to the support of their legal dependents; or

(3) after having admitted paternity or having been formally adjudicated to be the father of an illegitimate child, willfully neglected to meet the obligations that may attach thereto, in such a manner as to bring discredit upon the Naval Service;

the CO shall take such action as indicated below.

b. Being guided by the merits of each case, a CO should consider

(1) an appropriate notation in the officer's next regular report of fitness,

(2) a CO's NJP, or

(3) referral to court-martial.

c. The mere involvement of an officer in any dependency, paternity, or indebtedness situation should not, of itself, be the sole factor for considering action outlined above. When an officer's conduct in such cases does, in fact, bring discredit upon the Naval Service, a CO's action per this paragraph is considered to be appropriate since an officer must be morally, as well as professionally qualified for their present rank and for promotion to the next higher grade.

10. Unauthorized or Unexplained Absence - Policy

a. In all cases of unauthorized absence or unexplained absence (including failure to report in compliance with official orders, missing movement, or absence over leave or liberty) the CO shall immediately notify NAVPERSCOM (PERS-834) by E-Mail (mill_pers834@navy.mil.) and the servicing Personnel Support Activity/Detachment (PERSUPPACT/DET) of all facts and circumstances surrounding the officer's absence.

b. When a naval officer has been absent for 10 days and has not been declared a deserter, notify the next-of-kin (NOK) by letter as shown in the Unauthorized Absence-Sample Letters

block. If the officer returns prior to being declared a deserter, notify the NOK of such return. When an officer has been absent for more than 30 days, DD 553 Deserter/Absentee Wanted By Armed Forces, will be issued on the 31st day of absence. DD 553 shall be issued immediately if it initially appears that the officer may have intended to desert or defect, or is absent without authority without regard to length of absence and has gone to, or remains in, any foreign country; and while in such foreign country has requested, applied for, or accepted any type of asylum or residence permit from such country, or any Governmental agency thereof.

11. **Unauthorized Absence - Sample Letter**

(Use proper letter format.)

"I regret the necessity of informing you that your (son/daughter, or insert other relationship as appropriate) (insert full name and rank), who was attached to (this/the) ship (or station as appropriate) has been on unauthorized absence since (fill in). Should you know of the whereabouts of your (son/daughter or other relationship), it is suggested that you urge (him/her) to surrender to the nearest naval or other military activity immediately since the gravity of (his/her) offense increases with each day of (his/her) absence. Should your (son/daughter) remain absent for 30 days, (he/she) will be declared a deserter, and a federal warrant will be issued. Information concerning (his/her) absence will be provided to the National Crime Information Center which, in turn, is available to all law enforcement agencies throughout the country."

12. **Distribution of DD 553**

a. The original DD 553 shall be forwarded to OPNAV, Personnel Readiness and Community Support Division (OPNAV (N135)) with copies to:

(1) Navy Absentee Collection and Information Center (NACIC), Great Lakes, IL;

(2) Director, Naval Criminal Investigative Service (NCIS);

(3) next of kin;

(4) recruiting station nearest the absentee's home of record;

(5) headquarters of state police of the absentee's home state;

(6) chief of police in city given as home address, as well as each of the cities in and adjacent to the port in which the absence occurred; and

(7) any other place where it is believed that the absentee may be located (such as a leave address previously used, if other than home address).

NOTE: Maximum notification to Armed Forces agencies in the vicinity of the place where the unauthorized absence occurred will be made; and in foreign ports, when the assistance of civil authorities is required, the CO will prepare and sign a descriptive report and send it to the nearest consul of the United States.

b. In case of aliens believed to be in a foreign country, send a copy of DD 553 to the following:

Department of State
Attn: Visa Officer-SCA/VO
State Annex No. 2
Washington, D.C. 20520

c. For U.S. citizens believed to be in a foreign country, send a copy to the following:

Department of State
Passport Office/PTLS
1425 K Street, N.W.
Washington, D.C. 20524

d. A copy of DD 553 shall be filed in the officer's service record, but removed upon the officer's return and completion of administrative and/or disciplinary action. NAVPERSCOM will normally notify the Federal Bureau of Investigation (FBI) concerning absentees. When unusual circumstances exist, such as unauthorized absentees who are escaped prisoners or are dangerous, the local CO may notify the FBI.

13. **Absentee's Personal Effects**. When DD 553 is issued, the CO shall cause the absentee's personal effects to be collected, inventoried, and placed in safekeeping. Instructions for the

appointment of an inventory board and detailed description of its duties are contained in reference (e). The personal effects of an absentee will be held at the absentee's parent command for 3 months, after which they will be disposed of per reference (e). If an officer returns to naval jurisdiction **within 3 months** after commencement of absentee status, the officer's personal effects will be returned to the officer at the officer's, should the officer so desire. If the officer returns to naval jurisdiction **after 3 months** following commencement of unauthorized absence, the officer's personal effects may be forwarded at officer's own expense provided the officer is still in naval custody.

14. **DD 616 (12-99), Report of Return of Absentee.** After DD 553 has been issued, it will remain effective until such time as the officer's return to naval jurisdiction, at which time DD 616 will be issued.

15. **Absentee's Health and Pay Records.** The absentee's health and pay records will be handled following instructions contained in references (f) and (g), respectively. A copy of the officer's service record, containing a copy of DD 553, will be forwarded to OPNAV (N135) and NACIC Great Lakes, IL following 30 days absence; but for administrative purposes the absentee will remain attached to the absentee's parent command until further instructions are received from NAVPERSCOM. Members who become absentees subsequent to detachment, but prior to reporting to a new duty station, are, for administrative purposes, attached to the first activity to which ordered to report for duty.

16. **Upon the Absentee's Return.** Upon an absentee's return from unauthorized absence, the CO receiving the absentee shall report the circumstances by message to OPNAV (N135) and NACIC Great Lakes, IL, including action taken or contemplated; and submit DD 616 to NAVPERSCOM with copies to addressees listed on the previously issued DD 553, if available. NAVPERSCOM will distribute copies of the DD 616 if the addressees are unknown by the CO receiving the absentee. Appropriate disciplinary action as warranted shall be initiated by the CO of the command to which the absentee returns unless the absentee returns to other than their assigned duty station, in which case NAVPERSCOM will determine the responsible CO and issue appropriate orders. Any checkage of pay or the loss of earned leave credit in cases of unexcused absence will be initiated by the CO of the officer

concerned. Reports of such action will be submitted to the disbursing officer for forwarding to DFAS-CL.